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Mail Stop Amendment  
Commissioner for Patents,  
Washington, D.C. 20231, on

10/24/04  
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Anthony P. Curtis, Ph.D., Reg. No. 46,193

Name of Applicant, Assignee or  
Registered Representative

[Signature]  
Signature

10/21/04  
Date of Signature

Our Case No. 7103-388

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

John Boyd

Serial No.: 10/631,050

Filing Date: July 29, 2003

For: Method And Apparatus For  
Conditioning a Polishing Pad

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)  
) Examiner: Anthony Ojini  
)  
)  
)

) Group Art Unit: 3763  
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)  
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**Response to Office Action/Election Requirement**

Commissioner for Patents  
Mail Stop Amendment  
Alexandria, VA 22313-1450

Dear Sir:

In response to the election of species required by the Examiner in the Office  
Action of October 6, 2004, requiring election between:

Species 1, Figs. 1-4;

Species 2, Fig. 5-6; and

Species 3, Fig. 7.

Applicant elects, with traverse, Species 1, Figs. 1-4, corresponding to Claims 10-21, 27-37, 40-44 and 46-53. Although the Examiner indicated that no claims were generic, Applicant submits that at least Claims 10 and 44 are generic as these claims recite elements which can be found in each of the species. This is supported

throughout the specification, in which various elements that are common to the different figures are combined into single descriptions for brevity (e.g. pages 4-5 and 7 discuss the embodiments of Figs. 4 and 7 together, while page 11 discusses the embodiments of all of the figures together). It is clear that the description in the first full paragraph on page 11, for example, describes commonality between all of the embodiments in that: the polishing pad contaminated with slurry and debris approaches a pad conditioner, a high pressure stream of liquid is applied onto the polishing pad by a liquid distribution unit, the loosened slurry and debris, as well as the liquid are removed from polishing pad through a liquid recovery unit, and the removed slurry then moved to a containment unit for possible reclamation of slurry. Other elements may be common, but are not mentioned for conciseness.

In the summary, the Examiner indicated that Applicant was required to respond in one month. However, in the detailed Action, the Examiner indicated that an extension of time was needed as the response to the previous election requirement was not fully responsive. Applicant submits that the previous response was fully responsive, as required by MPEP 8.01 and as such, no extension of time or fee is necessary. Although Applicant does not believe any fee is required, please charge any necessary fee under 37 C.F.R. § 1.18(e), or credit for any excess fee paid, to Deposit Account No. 23-1925. Similarly, although Applicant does not believe any extension of time is necessary, Applicant also petitions for any necessary extension of time.

Applicant respectfully submits that all of the pending claims are in condition for allowance and seeks an early allowance thereof. If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,



Anthony P. Curtis, Ph.D.  
Registration No. 46,193  
Agent for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date: 10/21/04 Name: Anthony P. Curtis, Ph.D., 46,193 Signature: [Signature]

BRINKS  
HOFFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: John M. Boyd

Appln. No.: 10/631,050

Filed: July 29, 2003

For: Method and Apparatus for Conditioning a Polishing Pad

Examiner: A. Ojini

Art Unit: 3763

Attorney Docket No: 7103/388

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Transmittal Cover Letter (1p. Filed in Dup.); Response to Office Action/Election Requirement (2pp.)  
☒ Return Receipt Postcard

## Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

10/21/04  
Anthony P. Curtis, Ph.D. (Reg. No. 46,193)